

## In Memoriam: Jason F. Leif



The EBA family was saddened by the recent passing of Jason Leif, 48, in December. Jason was a partner with Jones Day and a former EBA President and EBA Houston Chapter President. Our heartfelt condolences go to his wife, Sheila, and children Adam and Reese.

"We have lost a highly respected legal professional and most importantly, a wonderful friend," said James Cargas, EBA's current Houston Chapter President. "His influence on EBA will be felt for years to come."

Jason began his career at the Federal Energy Regulatory Commission before joining Jones Day's Energy Group in its Washington office in 1995. Valued for his legal acumen, analytical skills and client relationships, Jones Day asked him to launch its Houston office in 2001. Two years later, he was made a partner.

After growing up in the New York City area, Jason graduated the University of Michigan with a B.A. in political science, and with a Juris Doctorate, summa cum laude from The Washington College of Law at The American University. Throughout his career and personal life, Jason demonstrated wit, charm, generosity and compassion. His absence will be keenly felt by the EBA community.

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## EBA President's Message

### EBA Members - Consummate Professionals



EBA is fortunate to have thousands of members who are dedicated to enhancing their profession, enhancing our organization, and enhancing the lives of others.

#### **Enhancing Our Profession**

EBA members understand and embrace collegiality and civility in our day-to-day practice. By doing so, we are able to deliver client service more effectively, foster creativity to address the challenging issues facing the energy industry, and enjoy what we do. Regular involvement in EBA activities exposes us to diverse perspectives, helps us stay up to speed on emerging developments, and allows us to work as a team with professionals who may be on the opposite side of an issue in our "day jobs." These opportunities are a special benefit of EBA membership – get involved, stay involved.

Our Professional Education Council, which itself is comprised of individuals with diverse perspectives from different industries and from different parts of the country, is hard at work finalizing the topics and speakers for our upcoming Annual Meeting, which will be held in Washington, DC on May 7-8, 2018. We look forward to seeing you there.

#### **Enhancing Our Organization**

We were deeply saddened to learn that Jason F. Leif, a recent EBA President and former President of the Houston Chapter, passed away in late December. Jason was an outstanding EBA leader, and was particularly instrumental in generating energy around the Houston Chapter. At our EBA Board meeting in January, the Board voted to explore the creation of the Jason F. Leif Chapter Service Award. Pending final Board approval in March, the Award will honor and recognize exemplary long-term service or significant examples of service by a member to an EBA chapter. We think this is a great way to remember Jason and his contribution to the EBA.

The Board has also worked hard to complete Task Force reports on the four main elements of our Strategic Plan. The Task Force reports provide a wealth of recommendations for improving EBA's delivery of service to its members, expanding member value, and expanding EBA's membership base. Implementation of those recommendations has begun, and will continue in the coming years. For example, we have formally established an EBA Mentorship Program to pair experienced members with less experienced members. We hope this will enrich the careers and experiences of both the Mentor and Mentee. We strongly encourage those who have benefitted from great mentoring over the years to give back and help foster the professional experience of another EBA member.

#### **Enhancing The Lives Of Others**

I think one of the most important endeavors we undertake as EBA members each year is the identification of opportunities to enhance the lives of others, through grants from our Charitable Foundation (CFEBA). This year, CFEBA has identified grantees in Houston and Puerto Rico, areas that were devastated by natural disasters in 2017 and that would benefit from CFEBA assistance. This year, CFEBA will be providing grants to the Puerto Rico Primary Care Association to install solar panels, inverters, and battery systems to 15 to 20 primary health care centers located throughout the island. The grant will help with pressing emergency needs, and will create a sustainable solution for these health centers throughout Puerto Rico. In addition, CFEBA will be assisting the Blue Triangle Community Center in Houston's Third Ward with energy efficiency projects, to help them recover from Hurricane Harvey. Please plan to attend and help sponsor the CFEBA Gala on May 7. Many of us have benefitted from our careers as energy professionals – this is our opportunity to give back.

On behalf of the Board, thank you for your continued active involvement in the EBA. If there is anything we can do to enhance your EBA membership experience, please let us know.



Bob Weishaar  
President, Energy Bar Association

## Chief Executive Officer's Message

### Making Innovation a Priority: Website Redesign Provides New Services to Members



In the very near future, EBA members will enjoy the fruits of significant effort EBA has undertaken over the past year: a new website.

Naturally, the site will be more visually appealing, more effectively organized and more efficiently navigable. However, if we had stopped there we would have felt we had not done enough. Our main objective for the new site was to enhance *your* ability to use it to meet your needs. What you will find is a website that is interactive and mobile-friendly. You will notice your ability to quickly and easily dive into EBA's Membership Directory to access information about members and retrieve data you value. You will find EBA's Job Bank more accessible and updated. You will also see that each of the regional chapters will have its own dedicated pages.

The updated website will also unveil new features we believe members will value. For example, members will find listings for "micro" volunteer opportunities. Research has found participation is key to fulfilling membership experiences, however, not all members are willing or able to commit to annual service on an EBA board, chapter or committee. On the site, members will be able to peruse volunteer opportunities that may engage them for a few hours or a few days but will provide an invaluable service to the association such as volunteering to help organize a happy hour or staffing a welcome booth at the Annual Meeting. EBA is also kicking off a "Guest Lecture" program through the website where members will have the opportunities to give presentations at leading universities throughout the U.S.

Our goal is to make your experience with EBA positive and productive. We believe EBA's new website will achieve this objective by helping you achieve your objectives of building, maintaining and growing your practice. As you peruse the site, let us know your thoughts. We value your opinion.

Sincerely,

Lisa A. Levine  
Chief Executive Officer

## About EBA

The Energy Bar Association (EBA) is an international, non-profit association of attorneys, energy professionals and students active in all areas of energy law. Our vision is to promote professional excellence in the practice of energy law. Our mission to promote the professional excellence and ethical integrity of its members in the practice, administration, and development of energy laws, regulations and policies is achieved by providing:

- superior educational programming;
- networking opportunities; and
- information resources.

EBA is committed to fiscal responsibility, ethical decision-making, subject matter excellence, valuable high quality programming, reliable communications, and continuous consideration of our members' current and anticipated needs. EBA is an inclusive organization that values diverse perspectives and is dedicated to providing opportunities for learning and community in a position neutral organization.

## NERC Interim President and Chief Executive Officer Charles Berardesco Calms Troubled Waters

By Gary Guy and David Connelly



### He Keeps Agency on a Steady Keel as Interim President and CEO

Charles A. ("Charlie") Berardesco was featured in the Spring 2013 issue of *EBA Update*, and has spoken on panels and a keynote lunch at EBA forums. We feature him again to look into his emergency move from Senior Vice President, General Counsel, and Corporate Secretary at the North American Electric Reliability Corporation (NERC) to step in as Interim President and Chief Executive Officer upon the abrupt departure of Gerry Cauley. The inquisitorial team of Gary Guy and David Martin Connelly (aka "Bob Simon and Henry Trewitt") interviewed him at his office.

### Charlie's Background: To Know Him is to Love Him

He is an overachiever. Top scholar, ace private practitioner, top legal officer at an energy conglomerate, NERC's trusted legal guide, and now its top executive.

More important, Mr. Berardesco is active in many charitable organizations, including having served as chair of the board of the Woodbourne Center, president of the Presbyterian Home of Maryland, chair of the board of the Gay Men's Chorus of Washington, and as a member of the board of advisors of The George Washington University Law School and the Duke University Chapel, and chair of GW's energy law program. He has also served as a member of the Business Council of the Human Rights Campaign. He has been awarded the Out and Proud Corporate Counsel

award by the National LGBT Bar Association and was named a Leader in the Law by the *Maryland Daily Record*. He is known to be devoutly religious, reading scripture every night, and thoroughly enjoys good worship, especially when directing and participating in the singing.

Mr. Berardesco received his JD, *with high honors*, in 1983 from The George Washington University, where he was the managing editor of *The George Washington Law Review*, and his AB, *magna cum laude*, in 1980 from Duke University. He was a partner at Piper Rudnick (now DLA Piper) and Whiteford, Taylor, & Preston, engaged in corporate finance, and mergers and acquisitions, and chairing the corporate department and serving on the executive committee at the latter firm. He also was VP, GC & CS at Fusura, a consortium of AIG, Kemper and Prudential, and SVP, GC & CS of HCIA, a publicly held health care information company.

As the Senior VP, GC, CS and Chief Compliance Officer at Constellation Energy Group, he scored impressive in-house legal results, for which he was named one of the top 10 "GC's to Watch" by *Corporate Board Magazine*, and was named as having the corporate governance team of the year by *Corporate Secretary Magazine*. His last accomplishment there was the merger with Exelon, after which he planned retirement only to be lured to become NERC's top lawyer as successor to the highly respected and accomplished David Cook, another past interviewee of *EBA Update*. That appeared to be where he would close out his career until destiny called.

### Crisis at NERC! At the Wrong Time!

Without warning, NERC CEO Cauley immediately resigned to deal with personal matters. But NERC was prepared. Under a year-old emergency succession plan, Mr. Berardesco automatically became Interim CEO. He was "pretty up to speed" in that he was already participating in weekly officer meetings and advising the Board on major decisions.

But, from a personal standpoint, the timing was terrible. It was the middle of the holidays and Mr. Berardesco was committed through his church to participate in signing and concerts. Also, he was and still is enduring serious eye problems. He suffers from a detached retina for which he underwent surgery that was unsuccessful. He must make twice-a-week trips to the eye doctor to restore lost eyesight.

He further credits the NERC Board for the smooth transition, particularly Chair Roy Thilly, who he said was “phenomenal.” He also touts the “great industry” and “wonderful” support and concern that has been shown to him in his travails. He has found it to be an “affirming” experience in terms of the outpouring of goodwill he has received.

“I feel we are carrying on as best we can,” he tells us. While NERC headquarters is in Atlanta and he is based on the D.C. office that houses about a third of the NERC staff, he has been a regular presence at Atlanta and maintains direct contact there. Sonia Mendonca is VP, Acting GC, CS, and Director of Enforcement. Mr. Berardesco must remember that he is no longer the lawyer giving advice. “I have to sit back and listen for a bit.”

### Permanent Head? The Search is On!



He tells us that the Board is following a very fair selection process through a search committee that he is on to find a permanent President and CEO. The Board had asked him if he wanted to be considered as a candidate. He declined.

One reason he renounced any interest in serving permanently in the top slot, is that “I don’t have a technical background” (unlike his Dad), and is not comfortable that he has as deep a grounding in the operations of the grid as he believes is optimum through his corporate background and what he has picked up by “osmosis.” However, he believes that it is not necessary that the leader of NERC be a technical engineer so that this was not his primary reason for asking not to be considered. Of more importance to his thinking is that after reaching the age of 60 and practicing law for 35 years, “I have no mountains left to climb; I have

accomplished the things I wanted to accomplish.” One of those accomplishments he told us is putting together an “outstanding enforcement group” at NERC. The primary reason seems to be that he wants to “provide good, solid, interim leadership” and “not complicate that leadership with my own application process.”

In the meantime, he sees himself with a five-month tenure, in which he intends to be an empowerment manager, as he has been in other capacities. This means he will ensure agreement on the goal and strategy, and then let people alone to do their job. This is his same approach with the regional entities because it is the best way to get the right answer and the right people. And he is happy about giving an Interim CEO Board speech.

Then who should be picked for the office? He pointed out that the public position description provides “a little less emphasis on the technical aspects of the job” than the one that was published at the time of Mr. Cauley’s selection. He attributes this in part to the fact that NERC recruited an outstanding group of technical experts under Mr. Cauley’s leadership. He also states that NERC’s role has evolved in the sense that the package of standards and enforcement practices “have become more stable” so that there is now a focus on providing reliability risk assessments for policymakers at the state and federal levels than was the case ten years ago. This means that the new CEO should excel at providing testimony and interacting with policymakers, keeping in mind that NERC itself is not a political organization and does not make policy.

Once the selection process is complete, which he says is targeted for the April 2018 time frame, Mr. Berardesco wants to help the new CEO assimilate and transition to the organization. Only then will it be determined what role he will play thereafter. He believes that the CEO should be able to pick his own GC but he also observed that the Board wants an independent legal advisor and have a role in that selection. While he stated a desire to resume his former role, and “fully expects” to do so, he also confirmed that if the CEO wants a new GC, “I will be fine with that.” While “I am hopeful that people will see the value I provide to the organization and will want to see me stick around,” he states that “there are other things I’d like to do as well. I have a broad range of interests.” Stay tuned!

**“Having a strong partnership with industry is really critical to the success of the overall model.”**

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*NERC Interim President, continued from page 5*

## Assessing NERC

One reason he came to NERC six years ago was that “the NERC business model is very intriguing. After my time at Constellation, I’ve come to believe that understanding highly technical issues is really important in terms of how you develop regulations or standards and how you enforce them and how you assess reliability.” This technically based approach to regulation sets NERC apart in his view. “Having a strong partnership with industry is really critical to the success of the overall model. The notice and comment period that the government would typically go through doesn’t really work in this context. The government will never have the complete expertise to write standards that are so technically based.” He believes that the cooperation with industry “leverages the fact that there is nobody more interested in reliability than the industry itself.” He emphasizes, “They get paid when the power is running. The incentives are in the right place.”

By the same token, he is firm that compliance is mandatory. “We do expect people to comply. It is your obligation to comply with the standards. It is not our obligation to go find non-compliance. That is your job. We are a compliance assurance agency and an enforcement agency. We are charged with dealing with what is discovered. Our commitment is to focus on the higher risk issues and to allow the companies to deal with the lower risk issues. But we do expect you to comply.”

He maintains that NERC standards have reached a level of maturity on the operational level. There is much more “fine tuning” and revisiting the need of some standards after ten-year’s time to determine which may be “overly prescriptive.” In addition, “standards are not the only way to address the evolving cybersecurity threat. You can’t prepare standards fast enough to deal with the emerging threat.” For that reason, NERC shares a threat analysis with the industry. “The standards create a framework for companies to think about their cybersecurity but they don’t create a finite way to deal with every threat” as does the threat assessment.

**“Standards are not the only way to address the evolving cybersecurity threat.” Threat assessments are now shared with the industry.**

On compliance and enforcement, “we’ve been very successful particularly in the bigger cases” by focusing on what most needs attention under “a more risk-based approach.” Alternate tracks that put the onus on the

registered entities to use more informal processes, such as self-logging reports with their own internal control systems with a subsequent audit by NERC, for matters involving lower risk. While compliance assurance has evolved over five years, it is not yet at the level of maturity as the enforcement side. There is “room for optimism” for using the risk-based approach with registered entities and not a one-size-fits-all approach on audits or other kinds of compliance activities. He “feels good that we are getting to a point of maturation around compliance assurance.”

He is pleased with NERC’s recently issued and well-received Long-Term Reliability Assessment that is substantially more focused on informing policymakers through good analytics on the decisions that they must make given the fast-paced rate of change. “We are used to thinking in decades, we’re now thinking in years or months.” While NERC can advise policymakers that “we believe the system can move to a much higher penetration of renewables,” he states that they have “choices to make about how much risk you want to take” and “what are the attributes that the other resources should be required to provide.” He calls this “a process of evolution.” “Over time we are building trust with the industry that we are building a risk-based approach, putting our focus on those things that are of a higher risk to reliability. There is more trust and that is a good sign.”

He also finds that NERC has “much better communication with FERC than we had both on an informal and formal level.” He gives kudos to his public policy shop for “doing a great job of having us linked in with FERC at the right levels and coordinating.” The work product itself has also improved. “We are doing better work in front of FERC. We are presenting standards in a much more forceful and justified way. I got feedback when I came here that we needed to do that and that’s something we focused on. We used outside resources to focus on our advocacy writing. We are better at that.”

To our Energy Bar, he advises, “make your case. We are willing to listen and change our minds.”

**Lawyers: “Make your case. We are willing to listen and change our minds.”**

## His Core Values

“I am one of the luckiest people I know. I come from very modest background. I was very fortunate to receive financial aid to go to college and law school.” His grandmother was a legal secretary and his mother thought she would see him in the courtroom. Never happened.

But his parents were proud to see him run a legal meeting at Constellation. They live 15 minutes from where he grew up on the Jersey shore.

He has a strong social mission and wants to be part of a diverse community environment in the City. "As a gay man, I feel very strongly about diversity and inclusion. I don't know how you couldn't feel that way." He is apolitical. But he has made sure wherever he has worked that all people feel welcome. "No one should have to check who they are at the door."



To him diversity is "more than just little boxes of gender, race, sexual orientation." It includes diversity of socio-economic status and family status. Most of his direct reports are female and people of color.

He also is mindful of the need for employees to be able to attend to their family obligations, and be present in the lives of their families. He sees the strain of caring for a parent of his own who is ill, and his husband's loss of a parent.

"You can be valuable here and have time to attend to the family." He has found that by making these kinds of accommodations, NERC's attrition rate has dropped. "I spend a fair amount of time thinking about how other people feel, what does the other guy need." For example, he recalls explaining to his CEO at Constellation that, "Most good lawyers want three things. First, they want to work hard because they are scared to death of not having enough work. Second, they want to work on new and interesting things but not all the time. Occasionally, they like to do what they know how to do but just enough interesting things to challenge them. Third, they want to be paid fairly. They know they won't be Warren Buffett. Not be billionaires. Give them enough work, interesting work, and pay them fairly. You will end up with happy lawyers."

And he also advises lawyers, particularly those involved in mergers, "Don't think if you wish something isn't going to happen that it won't happen. Being open to change is the fun of what we do. These new challenges get us going." As an example, a FERC practitioner came to NERC and once there discovered she liked negotiating energy-related contracts. He allowed her to move into that niche by mentoring her rather than hiring a specialist as he had intended.

For young lawyers especially, he says energy is a great area because it involves so many disciplines, including the environment, governance, and contracts. He also tells them to "be looking at things besides the law. Community involvement and church are just as important as legal accomplishments." He lives by these beliefs. He is a role model for us all.

### Delving Deeper

Favorite DC Restaurant: Tosca.

Most admired public figure: George H.W. Bush.

On Bucket List: Go to China.

Favorite TV Show: Big Bang Theory.

In school excelled at: Talking.

Take to a desert island: A book.

Best advice ever received: Your integrity is the only thing you take with you from job to job.

Ideal relaxation: Sitting on the beach in Provincetown, Massachusetts.

Favorite junk food: Cheese and crackers.

Dream car: BMW.

Advice on energy law: Stay broad minded. Don't be too narrow. The people who succeed see that.

Favorite song to sing: On the Street Where You Live.

Handy or Hire somebody: Hire.

IOS or Android: IOS.

Early Bird or Night Owl: Both. Up at 5:30am and in the gym.

## Cost Benefit Analysis Examines Natural Gas Projects

By Joel Zipp and Gavin Roberts

In their recent article in the *Oil & Gas Journal*, [Quantitative Analysis Shows Natural Gas Projects' Benefits Outweigh Costs](#), Joel Zipp of Orrick, Herrington & Sutcliffe LLP and EBA member and Gavin Roberts of Weber State University conduct a benefit cost analysis of natural gas projects. According to the authors, credible quantitative evidence exists, applicable under the statutory standards of the Natural Gas Act (NGA) and the National Environmental Policy Act (NEPA), to conclude that the benefits of natural gas transportation and liquefaction projects outweigh their costs. Litigation, however, is challenging the certification of natural gas infrastructure and approval of natural gas exports. Many of the objections underlying this litigation are based on the singular fact that the infrastructure is used to access a fossil fuel—natural gas—for consumption and the accompanying assertion that the environmental costs of natural gas outweigh its benefits.

Until recently these challenges have been unsuccessful. The U.S. Federal Energy Regulatory Commission (FERC)

and Department of Energy's (DOE) rejection of such claims largely has been based on the judgment that causal connections between environmental costs and the proposed transportation systems bridging the gap between gas supply areas and the markets was too tenuous to warrant project analysis under NEPA.

This article explores FERC's and DOE's public convenience and necessity-public interest analysis under the NGA and how that analysis could be reinforced by comparing environmental costs with benefits produced by other factors. While there is more work to do on this topic, initial analysis concludes the benefits discussed here outweigh the costs.

[Read the full article.](#)

(EBA Update welcomes submission of article ideas from EBA members. If you are interested in writing for the Update, please contact David Shaman at [dshaman@eba-net.org](mailto:dshaman@eba-net.org).)

## EBA Takes Steps to Aid Small Firm/Solo Practitioners Attendance to the 2018 Annual Meeting & Conference



EBA will soon be gearing up for the 2018 Annual Meeting & Conference on May 7-8, 2018, and with one notable incentive for a special group of our members. Last fall, EBA's Board approved changes to provide greater opportunities for Solo and Small Firm Practitioner members,

defined as an EBA member who is a solo practitioner or works in a law firm with 10 or fewer full-time attorneys. For this group of members, the cost of attending past EBA Annual Meetings and Mid-Year Forums has been prohibitive. The Board has decided to discount registration for these events to help make it more possible for these legal practitioners to participate. Learn more at [2018 EBA Annual Meeting & Conference](#).





## EBA “Gems” Year-Long Sponsorships

In response to member requests, EBA has created new, year-long sponsorship packages that ensure your firm's visibility throughout the year with tickets to the most desirable events. You make one decision, write one check and enjoy sponsorship visibility all year long.

EBA Gems Plans	Diamond \$14,000	Emerald \$7,750	Sapphire \$4,000
Energizer Sponsorships*	8		2
Annual Meeting Sponsorship	✓		✓
Mid-Year Sponsorship	✓		
Coffee Break Sponsorship to Annual or Mid-Year		✓	
Chapter Annual Meeting Sponsorship	✓		
Mid-Year or Chapter Annual Meeting Sponsorship			✓
Summer Intern Reception Sponsorship	✓		
ALJ Reception Sponsorship Tickets	5	2	1
CFEBA Gala Sponsorship Tickets	4	4	2
Logo branding on event digital and signage	✓	✓	
Logo branding in Insights and EBA Update	✓	✓	

\* Event sponsorships include one registration

Interested in learning more about how EBA sponsorships can help your marketing goals? Contact David Shaman at [dshaman@eba-net.org](mailto:dshaman@eba-net.org) or 202-499-5847.

## Save The Date for the 2018 Enforcers and Defenders Forum

This annual event is designed for U.S. Commodity Futures Trading Commission (CFTC), Pipeline and Hazardous Materials Safety Administration (PHMSA), Federal Energy Regulatory Commission (FERC), and North American Electric Reliability Corporation (NERC) staff and private practitioners. This year's Forum will be held at Georgetown Law School, 600 New Jersey Ave NW, Washington, DC, on Wednesday, April 11, 2018, from 1:00pm to 5:00pm. CLE credit will be requested for this session. The Forum will conclude with a networking cocktail reception. Learn more at [2018 Enforcers and Defenders Forum](#).

## Chapter Updates

### Houston Chapter

The Houston Chapter of the EBA saw many ups and downs over the past few months.

In December, we were saddened by the passing of our past president, friend, and leader, Jason F. Leif. Jason was important to the entire EBA organization and his importance to Houston was particularly strong.

Meanwhile, Hurricane Harvey devastated Houston in August and while much of America was learning more about the city than they had previously, the Houston Chapter collaborated with CFEBA to raise over \$30,000 in relief funds. Recently, CFEBA approved energy-related renovations for Blue Triangle Community Center and BakerRipley, two local non-profits that are helping low-income communities.



Scenes from the Houston Chapter's Primer on An Introduction to Federal Oil Pipeline Regulation.



In January, the Chapter collaborated on an EBA Primer, "An Introduction to Federal Oil Pipeline Regulation." The surge in U.S. oil production, predicted by some to surpass Saudi Arabian production in 2018, has led the impetus to increase pipeline capacity. The Primer, introduced to account for this niche in regulatory law taking on greater attention, was held at the offices of Anadarko Petroleum and sponsored by Reed Smith LLP and RBN Energy LLC. FERC's Adrienne Cook and Derek Anderson, Michelle Boudreaux of Caldwell Boudreaux Leffler PLLC, Glenn Benson of Davis Wright & Tremaine, and Shannon Coleman of the Colonial Pipeline Company led the training. The Primer entertained a sellout audience of 70 participants. Following the event, the Chapter hosted a networking session where attendees listened to informal remarks from former FERC Commissioner Colette Honorable.

Former FERC Commissioner Colette Honorable spoke about the DOE NOPR and agency's new commissioners at a Houston Chapter networking event.

## Louisiana Chapter



Todd Onderdonk of Exxon Mobile discussing the company's predictions for the energy sector at an LSU Energy Law Lecture sponsored by the Louisiana Chapter.

The future of the energy sector and energy careers were the subjects of discussion at an Energy Law Lecture and Reception co-hosted by EBA's Louisiana Chapter and the Public Utilities Section of the Louisiana State Bar at LSU in September. Todd Onderdonk, a senior energy advisor for Exxon Mobile, spoke to students from LSU and Southern University on the Exxon's energy outlook through 2040. His lecture was followed by Marcus Brown, Executive Vice President and General Counsel of Entergy Corporation, who spoke about energy careers in Louisiana. The event was followed by a networking reception.

In other Louisiana Chapter news, the board held its first planning call in January to discuss a work agenda for the year, and plans are underway for the chapter's Annual Meeting scheduled in May.

## Midwest Chapter

Regional electric markets and the impact of state and federal policies to prioritize resources was the focus of a November 2017 Energizer that included former FERC Commissioner Collette Honorable (now with Reed Smith), Brian Granahan, General Counsel of the Illinois Power Agency, Jeff Bladen with Midcontinent Independent System Operator (MISO), and Gary Helm with PJM Interconnection. The panel examined tensions between state policies to promote low carbon generation and wholesale market promotion of generation resources based on operational and economic efficiency.

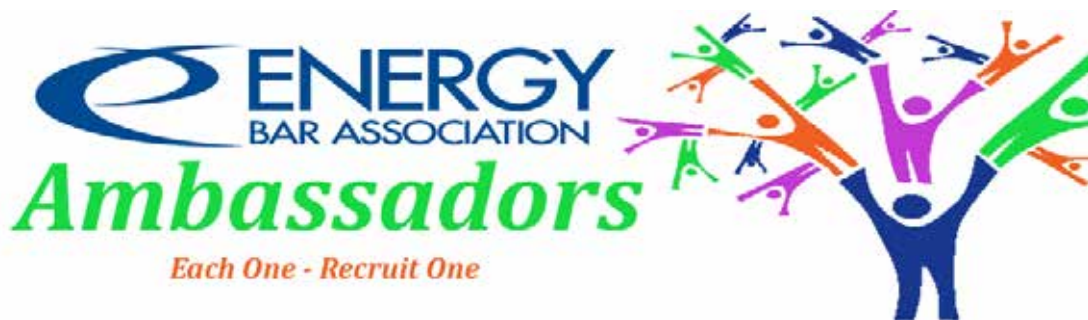
DOE's recent Notice of Proposed Rulemaking (NOPR) for the electric grid and its potential impact on electricity markets, and the electricity system's resiliency will be key topics of discussion at the 2018 Midwest Chapter Annual Meeting in Chicago in March. [Learn more and register.](#)



## Southern Chapter

The impacts of hurricane preparedness and cybersecurity on energy infrastructure, and a discussion on PURPA will be the focuses of EBA's Southern Chapter and the Southeastern Energy Society's (SEES) Spring Conference on March 8, from 10am to 4pm at the Richmond, Charlotte and Atlanta offices of Hunton & Williams LLP. The conference will also include a panel discussion with regional State Commissioners. [Learn more and register.](#)





EBA welcomes our newest members:

## Joining the Houston Chapter

Kacie Bevers, Steptoe & Johnson  
Deonne Cunningham, Noble Energy  
Allison Duensing, Saracen  
Alexander Schoch, Railroad  
Commission of Texas  
Jonathan Scullion, TransCanada  
Patrick Stewart, Kinder Morgan

## Joining the Louisiana Chapter

David Hayward  
Edward Poitevent, Stone Pigman  
Walther Wittmann

## Joining the Midwest Chapter

Lynda Cooney, Variant Partners  
Fintan Dooley, Salted Lands Council  
Kristin Rothey, American Municipal  
Power  
Melissa Simpson, US Department of  
State, Bureau of Energy Resources  
Carly Ann Smith, Polsinelli PC  
Ryan Wilson, Michigan Public Service  
Commission

## Joining the Rocky Mountain Chapter

Melinda Frazier, University of Wyoming  
College of Law  
Alice Madden, Colorado Law:  
Getches-Wilkinson Center

## Joining the Northeast Chapter

James Alford, Stinson Leonard Street  
Taylor Amato, Day Pitney  
Alejandro Bautista, PJM  
Interconnection  
Julie Blindauer  
Leah Chamberlin, DTE Energy  
Company  
Scott Clausen, Morgan Lewis  
Robert Conrad, Van Ness Feldman  
Alex DeBoissiere, AVANGRID  
Margaret Duggan, National Fuel Gas  
Adam Ennis, Steptoe & Johnson  
Matthew Henjum, U.S. Department of  
Energy  
Garrett Kral, University of Maryland  
Carey School of Law  
Merrill Kramer, Pierce Atwood  
Justin LaBerge, National Rural Electric  
Cooperative Association  
Sara McQuillen  
Carrie Mobley, McGuireWoods  
Jamond Perry, Troutman Sanders  
Mike Pierce  
John Rosato, United States Postal  
Service  
Amanda Schenkenberger, Husch  
Blackwell  
Rajan Singh, Womble Bond Dickinson  
Philip Smith, Emera Maine  
Michael Sullivan  
Daniel Vinnik  
Krystal Williams, Pierce Atwood  
Marion Werkheiser, Cultural Heritage  
Partners  
Peter Whitfield, Sidley Austin

## Joining the Southern Chapter

Annie Cook, Troutman Sanders LLP  
Newton Galloway, Galloway & Lyndall  
LLP  
Melissa Horton, Southern Company  
Kurt Hunt, Dinsmore & Shohl LLP  
Amanda Kranz  
Catherine Little, Troutman Sanders LLP  
Shelly-Ann Maye, Wind Energy  
Transmission Texas  
Arman Nikkhoo  
Harold Payne, HWP Services, LLC  
Laura Sossamon, Black Hills Energy  
Cindy Upchurch, Eversheds Sutherland  
James West, Fayetteville Public Works  
Commission

## Joining the Western Chapter

Joe Kaatz, Energy Policy Initiatives  
Center  
Doug Karpa, Clean Coalition  
Jessica Mitchell, Snohomish PUD  
Richard Rabbitt, Farella Braun + Martel  
Nilmini Silva-Send, Energy Policy  
Initiatives Center, University of San  
Diego  
Kevin Smith, Braun Blasing Smith  
Wynne

EBA also extends congratulations to EBA Ambassadors who recruited someone to join EBA from November through January: Sylvia Bartell, Noel Black, Keturah Brown, Albert Carr, Edward Depp, Joe Fina, Michelle Grant, Gary Guy, Kurt Krieger, Stephanie Krupp, Mathew Maher, Scott Mahoney, Lisa McAlister, Rich Meyer, Paul Neilan, Mosby Perrow and Justin Savage.

For more information on EBA memberships, visit [Join EBA](#).

## FELJ Update

As part of its ongoing FELJ Author Talk series, *Energy Law Journal* Executive Editor Harvey Reiter sat down with Bethany Davis Noll and Denise Grab from the Institute for Policy Integrity at New York University School of Law, to discuss their *Journal* article, [Deregulation: Process and Procedures That Govern Agency Decision Making in an Era of Rollbacks](#) in February. The conversation centered on the Trump Administration's reversal on a host of policies and regulations from the previous administration. Noll and Grab discussed limits that apply to agencies seeking to cancel or suspend regulations that they previously issued and the applicability of these limitations to energy and environmental regulation.

## FELJ Writing Workshop



Bob Fleishman, Editor-in-Chief of the *Energy Law Journal*, leads a discussion on writing for academic publications.

Whether writing for academic publication or drafting an appellate brief, FELJ's writing workshop, held in November 2017, offered insights to attendees with a variety of motivations. Bob Fleishman, Editor-in-Chief of the *Energy Law Journal*, led a session on how to write an article for the *Journal*. Harvey Reiter, Executive Editor of the *Journal*, discussed writing an effective appellate brief. FELJ Board member Jennifer Morrissey conducted a session on effective written communications with clients. EBA member John Delaney's course focused on writing for deal teams. And, FERC's Larry Greenfield discussed writing an effective pleading before the Commission.

## 2017 Curtis L. Wagner Administrative Law Judges (ALJ) Reception



EBA President-elect Matthew Rudolphi, Duane Morris' Sheila Hollis and former EBA President Rich Meyer enjoy festivities at the 2017 ALJ Reception



Federal Energy Regulatory Commission Administrative Law Judges at the reception included from left, Judge Suzanne Krolkowski, Judge Patricia Hurt, Judge John Dring, Judge Lawrence Brenner, Judge Philip Baten, Chief Judge Carmen Cintron, Judge Steven Glazer and Judge Peter Young.

FELJ thanks all who attended the 2017 Curtis L. Wagner ALJ Reception, held in October 2017 during EBA's Mid-Year Energy Forum. The 2017 reception was the most successful ever, raising \$45,000 in revenues for publishing the *Energy Law Journal*. FELJ wants to extend a special thanks to Duane Morris LLP for hosting the event.

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FELJ Update, continued from page 13

Current Edition of the *Energy Law Journal*



Deregulation in the Trump era, analyzing the Supreme Court's 1984 decision on *Chevron v. Natural Resources Defense Council*, and a perspective on FERC's 40th anniversary are among the highlights of the Fall Edition of the *Energy Law Journal* (Vol. 38:2) (<http://www.felj.org/energy-law-journal/current-issue>). Readers may enjoy the [EBA President's Message](#), the [Editor-in-Chief's Page](#), an in memoriam for [Jim Rubin](#), news articles, committee reports, book reviews and student notes.

Journal articles include:

- [Deregulation: Process and Procedures That Govern Agency Decision-making in an Era of Rollbacks](#), by Bethany A. Davis Noll, Litigation Director and Denise A. Grab, Western Regional Director, both at the Institute for Policy Integrity, New York University School of Law
- [Counting on Chevron?](#), by Heidi Marie Wertz, an Attorney-Advisor in FERC's Office of General Counsel
- [A Constitutionally Appointed Administrative Law Judge – You “Know It When You See It,”](#) by Administrative Law Judge Steven A. Glazer
- [Developments in FERC Policy for Determining Return on Equity](#), by Andrea I. Sarmentero Garzón and Gerit F. Hull, members of the law firm Jennings, Strouss, & Salmon, PLC
- [Forty Years of FERC](#), an interview with Charles Curtis, the last Chairman of the Federal Power Commission and the first Chairman of the Federal Energy Regulatory Commission, currently serving as Senior Advisor to the Center for Strategic and International Studies, and President Emeritus of the Nuclear Threat Initiative

Visit [FELJ.org](http://FELJ.org) for the full issue including book reviews, notes and Committee Reports.

[Interested in submitting an article](#) to the *Energy Law Journal*? The *Journal* welcomes articles by EBA members and non-members on emerging issues and significant developments affecting the energy industries and are of interest to the legal and energy professions. Contact Bob Fleishman, Editor-in-Chief, at [RFleishman@mofo.com](mailto:RFleishman@mofo.com) or (202) 887-8768, to learn more.

Position Opening! FELJ is looking for a Business Manager. Are you good at selling advertisement and thinking of creative ways to raise money? If so, contact Gary Guy at 202 872-2576.

*Energy Law Journal*: Excerpts from Past Issues

## Ten Years Ago

“Global temperatures are increasing in large part because of human caused greenhouse gas emissions, and this warming is affecting both natural systems and human wellbeing. International legal programs to deal with climate change, particularly within the EU, are already well underway. Within the United States, there has been significant activity at the state level, both in the design and implementation of specific legal tools and in growing regional cooperation. At a federal level in the United States, laws that were enacted before climate change became a significant issue, including the Clean Air Act, are being redirected toward the climate change.”

John C. Dernbach and Seema Kakade, *Climate Change Law: An Introduction*, 29 ELJ 1, 31 (2008)

## Twenty Years Ago

“William Faulkner said, ‘Don’t bother just to be better than your contemporaries or predecessors. Try to be better than yourself.’” There are no words more fitting for the natural gas and electric utility industries today. Parallels to yesteryear or even yesterday will not suffice in the new competitive utility arena. Any utility satisfied with standing still should not complain when others in the industry provide less expensive and more reliable energy, therefore passing them by.”

Hon. Curtis L. Hebert, Jr., *The Quest for an Inventive Utility Regulatory Agenda*, 19 ELJ 1, 24 (1998)

## Thirty Years Ago

“For the first time in forty years, there is the realistic prospect that the form and scope of government intervention in the gas market will achieve the stated goal of the Natural Gas Act of 1938 – to protect consumers from exploitation by monopolistic pipelines. I have traced the history of fifty years of errors that cost society scores of billions of dollars and the dramatic transformation of government intervention in the market over the past few year.... Most of the lessons are not new, but apparently society must learn them many times before they are routinely reflected in public policymaking.”

Richard J. Pierce, Jr., *Reconstituting the Natural Gas Industry from Wellhead to Burnertip*, 9 ELJ 1, 51 (1988)

## CFEBA Update



### CFEBA Gala to Raise Funds to Support Hurricane Victims in Puerto Rico

In September 2017, Hurricane Maria swept through the Caribbean producing, as news accounts stated, 'apocalyptic' devastation. In Puerto Rico, more than 500 residents died and the island's electrical grid was virtually destroyed. Nearly half of the permanent health care centers in Puerto Rico still remain without grid power or are operating on diesel generators. This year, the Charitable Foundation of the Energy Bar Association (CFEBA) has a unique opportunity to give Puerto Ricans life sustaining power, but we need your help.

CFEBA is partnering with the Puerto Rico Primary Care Association (PCA), a 501(c)(3) non-profit organization, to help provide solar panels, inverters, and battery systems to 15 to 20 primary health care centers located throughout the island. This project will address refrigeration needs for perishable medication such as insulin, vaccines, and certain liquid antibiotics.

CFEBA seeks sponsors to support our [2018 Annual Fundraising Gala, Light & Hope for Puerto Rico](#) ("Luz & Esperanza" in Spanish), which will take place on May 7, 2018, from 5:15pm to 9:15pm at the Renaissance Hotel in Washington, DC, immediately following the first day of the EBA Annual Meeting and Conference. Attend the Gala, enjoy the evening's meal and entertainment, meet old friends, and support a cause that will save lives in this devastated part of the United States.

## Upcoming Events

### March 2018

8th – [2018 Southern Chapter Spring Conference](#), Richmond, VA; Charlotte, NC; Atlanta, GA

12th-13th – [2018 Midwest Chapter Annual Meeting](#), Chicago, IL

### April 2018

11th – [2018 Enforcers and Defenders Forum](#), Washington, DC

### May 2018

7th-8th – [2018 EBA Annual Meeting & Conference](#), Washington, DC

7th – [2018 CFEBA Annual Gala](#), Washington, DC

### June 2018

13th-14th – [2018 Northeast Chapter Annual Meeting](#), New York, NY

### October 2018

29th-30th – [2018 EBA Mid-Year Energy Forum](#), Washington, DC

## Five New On-Demand Programs Add to Rich Resource for Members



EBA has unveiled five new On-Demand Programs as part of its 24/7 online learning opportunities for members. The new additions are:

### **An Introduction to Federal Oil Pipeline Regulation (Part 1)**

### **An Introduction to Federal Oil Pipeline Regulation (Part 2)**

In this two-part series, regulators from the Federal Energy Regulatory Commission (FERC) and industry experts provide an overview of the federal economic regulation of oil and refined products pipelines. The course begins with a brief overview of the oil and refined products pipeline industry and then describes key statutes and regulations governing and affecting the transportation of oil and other liquid petroleum products. Instructors explain important legal and regulatory concepts and requirements, pipeline services, the scope and limits of FERC and state jurisdiction and key issues affecting the industry.

NERC Enforcement 101: An Overview of NERC's Enforcement Authority, The North American Electric Reliability Corporation (NERC) is recognized by the Federal Energy Regulatory Commission as an Electric Reliability Organization, whose mission is to assure the reliability and security of the North American bulk power system. In this program, NERC representatives present an overview of NERC's enforcement authority and jurisdiction, including changes to the scope and focus of its enforcement activities, and potential future changes.

Also, see:

- [The Clean Power Plan – What Lies Beyond](#)
- [NGA Section 5 Primer](#)

## Diversity & Inclusion Policy Statement:

The Energy Bar Association ("EBA") is committed to the goals of fostering an inclusive and diverse membership and increasing diversity across all levels of the Association. Attorneys and energy professionals in the energy field are welcome to join our ranks, regard-less of race, creed, color, gender (including gender identity or expression), sexual orientation, family and marital status (including pregnancy), family responsibilities, religion, national origin, age, personal appearance, political affiliation, veterans status, disability, source of income (government, solo, corporate, firm practice), or place of residence or business (geographic diversity) and are encouraged to become active participants in the Association's activities.